-7-

REMARKS

This paper is responsive to the Office Action of October 9, 2007. Reconsideration and allowance of claims 4, 6, 14-18, 20-22, 24-26, and 29-31 are requested.

The Finality of the October 9, 2007 Office Action is Premature

In the amendment of July 18, 2007, independent claims 15, 16, and 18 were not amended, nor were dependent claims 22, 25, and 26. In the Office Action of October 9, 2007, the Examiner issued a new ground of rejection against unamended claims 15, 16, 18, 22, 25, and 26. Because these six claims which were subject to the new ground of rejection were not amended, the new ground of rejection was not necessitated by the applicant's preceding amendment and the finality of the October 9, 2007 Office Action is premature.

Because a Petition on Premature Finality must be filed within two months of the premature Final rejection, an appropriate Petition is being filed concurrently herewith. It is submitted that the Examiner should withdraw the finality of the October 9, 2007 Office Action and enter the present amendment, such that the accompanying Petition becomes moot.

The Office Action

Claims 3, 4, 6, 14-18, 20-22, 24-27, and 29-30 stand rejected under 35 U.S.C. § 102 as being anticipated by Allport (US 6,104,334).

Claims 23 and 28 stand rejected under 35 U.S.C. § 103 as being obvious over Allport.

The Claims Distinguish Patentably
Over the References of Record

Allport is directed to a music or music and video control device which is configured to allow the consumer to select specific entertainment based on a song title, program, movie, etc. and not based on such non-intuitive factors as channel, track, CD slot, etc. (column 9, lines 35-38). Allport hides these complexities to make the device more user-friendly. As shown in the numerous Figures, the displays are set

-8-

up such that the consumer can select content without worrying about where it comes from and the device will then locate the selected content.

Claim 6 calls for the control code to include code to control a touch screen GUI to display a control panel of the dedicated remote of a specified apparatus. By creating a display on the touch screen GUI which matches the standard control panel of the dedicated remote which comes with an apparatus, there is no confusion when the user switches from the universal remote to the dedicated remote and vice versa. Allport specifically teaches against such a display in favor of one which is more intuitive to a customer, particularly a display based on content and not on source. Because claim 6 has a different structure which achieves different results, it is submitted that claim 6 and claim 4 dependent therefrom are not anticipated by and distinguish patentably over Allport and the references of record.

Claim 14 has been amended to emphasize that soft keys and icons are rendered on a GUI display panel such that the control keys have the same position and function as on a dedicated remote for the selected apparatus. Because Allport does not suggest emulating the dedicated remote for an apparatus, but rather teaches that the information on the remote should be displayed on a content-driven basis, it is submitted that claim 14 and claims 20 and 21 dependent therefrom distinguish patentably over the references of record.

Claim 15 has been amended to incorporate and expand the subject matter of dependent claim 28. Claim 15 not only claims the XML format not found in Allport, but also requires specific use of XML tags to define information in the database. Because Allport does not use XML format, much less the specifically claimed use of XML tags, it is submitted that claim 15 and claims 22 and 31 dependent therefrom distinguish patentably over the references of record.

Claim 15 has also been amended such that it now sets forth an article of manufacture, specifically a memory which stores the database.

Claim 16 has also been amended to specify an article of manufacture. Further, claim 16 calls for the stored code to render a control key layout that emulates a key layout of the dedicated control device for the CE equipment. Again, Allport teaches against such an emulation in favor of a content-driven display.
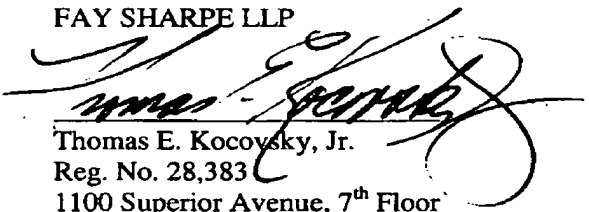
-9-

Claim 18 calls for control codes with rendering instructions for rendering a graphical representation on a GUI touch screen using an XSL style sheet. Allport neither suggests the use of XML nor the complementary use of an XSL style sheet to generate a graphic representation on a control device. Accordingly, it is submitted that claim 18 and claims 25, 26, and 30 dependent therefrom distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that claims 4, 6, 14-18, 20-22, 24-26, and 29-31 distinguish patentably over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

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